

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. T-04/10-179  
 )  
 Appeal of )

## INTRODUCTION

The petitioner appeals the decision of the Department for Children and Families, Economic Services, Health Access Eligibility Unit (HAEU) finding him ineligible for VHAP. The issue is whether the petitioner's income exceeds the program maximum. The following facts are not in dispute and are based on the representations of the parties at a telephone hearing held on June 4, 2010.

## FINDINGS OF FACT

1. In October 2009 the petitioner was employed and began receiving health insurance through the Department's CHAP premium assistance program. In January 2010 the petitioner lost his job and on January 13, 2010 the Department found him eligible for VHAP.

2. In February 2010 the petitioner began receiving unemployment benefits. There is no dispute that the amount of his unemployment benefits place him slightly over the VHAP maximum (150 percent Federal Poverty Level [FPL]). Based on this income, the Department terminated his VHAP and placed

him back on the CHAP program (which has a higher income eligibility maximum).

3. The problem for the petitioner appears to be that CHAP has a one-year waiting period for certain treatments of preexisting conditions, one of which (cancer) the petitioner requires. VHAP does not have such a limitation on coverage. At the hearing the petitioner indicated he would attempt to voluntarily reduce his income and reapply for VHAP.<sup>1</sup>

ORDER

The decision of the Department is affirmed.

REASONS

As noted above, the maximum allowable income for VHAP is 150 percent FPL. The petitioner does not dispute that his income from unemployment is slightly over this amount. Inasmuch as the Department accurately determined the petitioner's income in accord with the VHAP regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

# # #

---

<sup>1</sup> The petitioner was also informed of the Board's decision in Fair Hearing No. M-04/09-196, which may have some bearing on arguments he may be able to make regarding the extent of his CHAP coverage.